

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TYLER ALLEN LOFALL,

No. 3:24-cv-00839-SB

Plaintiff,

ORDER

v.

STATE OF OREGON *et al.*,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Beckerman issued a Findings and Recommendation on July 15, 2024, in which she recommends that this Court dismiss Plaintiff's Complaint. F&R, ECF 9. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings and Recommendation. Pl. Obj., ECF 11. When any party objects to any portion of the Magistrate Judge's Findings and

Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings and Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation. Plaintiff objects to many of Judge Beckerman's findings by providing factual allegations that were not in the Complaint and alleging claims that were not clearly alleged in the Complaint. That information supports granting leave to amend some of Plaintiff's claims as Judge Beckerman recommends. Because it was not in the Complaint, it does not support finding that the Complaint states a claim for relief.

CONCLUSION

The Court adopts Magistrate Judge Beckerman's Findings and Recommendation [9]. Therefore, the Court DISMISSES Plaintiff's claims against the State of Oregon with prejudice and DISMISSES Plaintiff's claims against the remaining Defendants without prejudice. Plaintiff has leave to amend the claims against Clackamas County, the Clackamas County Police Department, and John Doe Officers 1 and 2 within 30 days.

IT IS SO ORDERED.

DATED: August 7, 2024.


MARCO A. HERNÁNDEZ
United States District Judge